

08-30-01

Customer Number: 000959

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**DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM**  
**UNDER RULE 1.53(b) (former Rule 1.60)**

JC962 U.S. PTO  
08/28/01

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/065,019	PRIOR APPLICATION FILING DATE: APRIL 17, 1998
GIN-6700CPUSCN	CLASS:	SUBCLASS:	EXAMINER: CARLSON, K.	ART UNIT: 1653

**COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231**

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: August 28, 2001Mailing Label Number: EL 848029402 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Nelson F. Barros  
Name of Person Mailing Paper

Nelson Barros  
Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a  continuation  divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/065,019 filed on April 17, 1998, of Seishi Kato, Tomoko Yamaguchi, Shingo Sekine, and Kouju Kamata entitled Human PEC-60-Like Protein and DNA Encoding This Protein.

1.  Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
  - 17 page(s) of specification
  - 1 page(s) of claims
  - 1 page(s) of abstract
  - 2 sheet(s) of drawings
  - 3 page(s) of declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/065,019 as originally filed on April 17, 1998.

2.  A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3.  The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 5	MINUS	** 20	= 0
INDEP.	* 2	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY		OTHER THAN A SMALL ENTITY	
RATE	FEE	RATE	FEE
x 9 =	\$ .00	x 18 =	\$ .00
x 40 =	\$ .00	x 80 =	\$ .00
+135 =	\$ .00	+ 270 =	\$ .00
BASIC FEE	\$ .00	BASIC FEE	\$ 710.00
TOTAL	\$ 0.00	TOTAL	\$ 710.00

4.  The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.

5.  A check in the amount of \$710.00 is enclosed for payment of the filing fee.

6.  Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

7.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)

8.  Amend the specification by inserting before the first line the sentences: "This application is a continuation application of serial no. 09/065,019 filed on April 17, 1998, pending. The contents of all of the aforementioned application(s) are hereby incorporated by reference."

9.  Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)

10.  Enclosed is a Substitute Drawing sheet (Figs. 1 and 2)

11.  Priority of application serial no. 7/280272/1995 filed on October 27, 1995 in Japan and PCT/JP96/03061 filed on October 22, 1996 are claimed under 35 U.S.C. §119.

The certified copies have been filed in prior application serial no. 09/065,019 filed on April 17, 1998.

The certified copy will follow.

12.  The prior application is assigned of record to Sagami Chemical Research Center. Reel 9830, Frame 0195.

13.  A \_\_\_\_\_ month extension of time has been submitted in the parent application Serial No. in order to establish copendency with the present application.

14.  Also enclosed are copies of Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney (which is being filed concurrently in Serial No. 09/065,019); Copy of Notification of Change of Mailing Address ; Copies of Associate Powers of Attorney (2 pages).

15.  The power of attorney in the prior application is to Genetics Institute, Inc.

a.  The power appears in the original papers in the prior application. (copy enclosed)

b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c.  A new power has been executed and is attached.

16.  Address all future communications (May only be completed by applicant, or attorney or agent of record) to Amy E. Mandragouras at Customer Number: **000959** whose address is:

Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109

17.  Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

18.  Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/065,019. Please use the computer readable form of application serial no. 09/065,019 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/065,019 are the same.

August 28, 2001  
Date

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
Tel. (617) 227-7400

Cynthia L. Kanik

Cynthia L. Kanik  
Reg. No. 37,320

inventor(s)  filed under § 1.34(a)  
 assignee of complete interest  
 attorney or agent of record

IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

In re the application of: Seishi Kato, *et al.*

Serial No.: 09/065,019

Filed: April 17, 1998

For: *HUMAN PEC-60-LIKE PROTEIN AND DNA  
ENCODING THIS PROTEIN*

Attorney Docket No.: GIN-6700CPUS

Group Art Unit: 1653

Examiner: Carlson, K.

Batch No. E87

Date of Notice of Allowance: 4/10/01

Commissioner for Patents  
Washington, D.C. 20231

**COPY**

## **NOTIFICATION OF CHANGE OF MAILING ADDRESS**

Sir:

Please take notice that the correct correspondence address for this application should now be as follows:

Customer No. 000959, whose address is:

**Lahive & Cockfield, LLP**  
**28 State Street**  
**Boston, MA 02109**

Please enter this change of mailing address in the file of this matter and direct all mail correspondence to the principal attorney of record, Amy E. Mandragouras, Esq., and all telephonic communications to Cynthia L. Kanik, Esq.

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Issue Fee, Commissioner for Patents, Washington, D.C. 20231 on:

July 10, 2001

Date

Cynthia L. Kanik, Esq. Reg. No. 37,320

Respectfully submitted,

## LAHIVE & COCKFIELD, LLP

Christopher

Cynthia L. Kanik, Esq.  
Registration No. 37,320  
Attorney for Applicants